

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FREDERICK DOUGLAS BENNETT, SR.,	)	NO. ED CV 16-132-CAS(E)
	)	
Plaintiff,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
CAREY DAVIS, et al.,	)	
	)	
	)	
Defendants.	)	

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BACKGROUND

Plaintiff, a detainee at the West Valley Detention Center, filed this civil rights action on January 21, 2016, pursuant to 42 U.S.C. section 1983, accompanied by a "Request to Proceed Without Prepayment of Filing Fees With Declaration in Support. On January 25, 2016, the Court granted Plaintiff's request to proceed without prepayment of filing fees, permitting Plaintiff to file the action in forma pauperis ("IFP").

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1 Under the Prison Litigation Reform Act, Pub L. No. 104-134, 110  
2 Stat. 1321 (1996), a prisoner may not bring a civil action IFP if, on  
3 three (3) or more previous occasions, the prisoner has brought an  
4 action or appeal in a court of the United States that was dismissed on  
5 the grounds that it was frivolous or malicious or failed to state a  
6 claim upon which relief may be granted, unless the prisoner is under  
7 imminent danger of serious physical injury. 28 U.S.C. § 1915(g).  
8 This Court's review of the docket of this Court and other Courts in  
9 this Circuit showed that Plaintiff previously had filed a number of  
10 actions which appeared to qualify as "strikes" under section 1915(g).  
11 Accordingly, on February 9, 2016, the Court issued an "Order to Show  
12 Cause Pursuant to 28 U.S.C. Section 1915(g)," ordering Plaintiff to  
13 show cause in writing why Plaintiff's IFP status should not be revoked  
14 and why the action should not be dismissed pursuant to 28 U.S.C.  
15 section 1915(g) unless Plaintiff presently paid the full filing fee.  
16 On March 30, 2016, Plaintiff filed a Response to the Order to Show  
17 Cause.

18  
19 On April 14, 2016, the Court issued an "Order Revoking  
20 Plaintiff's In Forma Pauperis Status," revoking Plaintiff's in forma  
21 pauperis status pursuant to 28 U.S.C. section 1915(g), based on  
22 Plaintiff's prior dismissals qualifying as "strikes" under section  
23 1915(g). The Court ordered Plaintiff to pay the full filing fee  
24 within twenty (20) days from the date of the Order if Plaintiff wished  
25 to pursue the action. The Court also advised Plaintiff that failure  
26 timely to pay the full filing fee could result in the dismissal of the  
27 action. Nevertheless, Plaintiff has failed to pay the full filing fee  
28 ///

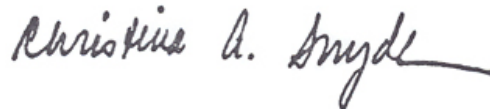
1 within the allotted time.<sup>1</sup>

2  
3 **ORDER**

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5 For the foregoing reasons, the action is dismissed without  
6 prejudice for failure to pay the full filing fee in conformity with  
7 the Court's April 14, 2016 Order. See 28 U.S.C. § 1915(g).

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10 IT IS SO ORDERED.

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12 DATED: May 12, 2016.

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CHRISTINA A. SNYDER  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On April 26, 2016, Plaintiff's service copy of the  
28 "Order Denying Plaintiff's Request to Proceed In Forma Pauperis"  
was returned to the Court undelivered, with the notations "out of  
custody," "return to sender" and "unable to forward."